



details of that now. They are required to provide 153 parking spaces and will have 193 spaces once the work is completed. He said the main entrance to the club is not handicapped accessible, so that is also being changed. EIC did their site walk today and it does not look like they will hold a public hearing on this.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mrs. Emminger said they are still waiting for a decision from EIC, as well as comments from the Engineering Dept., the Fire Marshal's Office and the Building Dept.

Mr. Urice made a motion to continue the public hearing. Mr. Cerminara seconded the motion and it was passed unanimously.

CONTINUATION OF PUBLIC HEARING

Winter Brothers Transfer Stations of CT (WBTSCT) -- Application for Special Exception for Transfer Station in existence prior to 10/15/07 in the IL-40 Zone - 307 White St. (#K13016) -SE #721.

Attorney Catherine Cuggino said they had responded to the Engineering Dept. comments and they have received the report from the Superintendent of Public Utilities. Mr. Urice asked if there were any other outstanding issues. Mrs. Emminger said originally both Engineering and Public Utilities had been opposed to the location of the building, but the applicant moved it and now they are okay with it. She added that Public Utilities has some minor things that need to be worked out during the permit process, but there really is no reason to keep the public hearing open. Mr. Urice said the major issue was the proposed location of the building over the sewer line but when they discussed it, the revised plans showing the new location had just been submitted.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one. .

Mr. Urice made a motion to close the public hearing. Mr. Cerminara seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this matter to Old Business for discussion purposes. Mr. Cerminara seconded the motion and it was passed unanimously.

OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Richard S. Jowdy -- Application for two (2) lot re-subdivision (2.03 ac.) in the RA-40 Zone - Middle River Rd. & 1 Richter Dr. (#C10042 & #C10051) - SUB #11-02.

Mrs. Emminger said this was a difficult resolution to prepare. She said there are two important conditions in it. The first is that prior to the Chairman signing the Mylar, the pool must be removed and a plan showing that must be presented to the Department. Since the Mylar has to signed and filed within ninety days of the approval, this must be

done within that time period. Also, before any permits are issued, the Zoning Enforcement Officer must verify that the approved subdivision plan has been filed on the Land Records in the Town Clerk's Office. She said there also is a condition regarding Public Works approving the new driveway and the catch basins before any Compliance Certificate will be issued. There were no questions. Mr. Urice made a motion to approve this per the resolution. Mr. Cerminara seconded the motion and it was passed unanimously.

Nutmeg Square LLC -- Application for Special Exceptions (1) for fast food restaurants, and (2) to allow uses generating over five hundred (500) vehicle trips per day in the CG-20 Zone - 70-72 Newtown Rd. (#L12026) - SE #697.

Chairman Finaldi said they all should have received a draft resolution by e-mail. Mrs. Emminger said this was a simple application and the resolution contains all of the standard conditions. Mr. Cerminara made a motion to approve this per the resolution. Mr. Urice seconded the motion and it was passed unanimously.

Winter Brothers Transfer Stations of CT (WBTSC) -- Application for Special Exception for Transfer Station in existence prior to 10/15/07 in the IL-40 Zone - 307 White St. (#K13016)-SE #721.

Mrs. Emminger asked the Commission to give her some guidance so she can prepare a resolution for the next meeting. Mr. Urice said this is a pretty cut and dried application and the proposed changes will clean up the Federal Rd. side of the applicant's property. Mrs. Emminger said the only outstanding issue is the Engineering Dept. letter and receipt of it can be a condition of approval in the resolution.

REFERRALS:

8-3a Referral -- Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Sec. 4.H.2. of the Zoning Regulations. (Amend PND Regulations) Zoning Commission public hearing scheduled for March 13, 2012.

Mrs. Emminger reviewed the Staff Report prepared by the Planning Director. She explained that when the Master Plan for The Reserve was approved, it divided the 500+ acre site into eleven phases. A 13 acre site located along Old Ridgebury Rd. was deeded to the City of Danbury. The Master Plan designates the permitted uses in each of the phases and this phase is designated as Municipal. This designation is more about who owns the property than how it can be used. This suggests ownership, not use. Section 4.H.2. of the Zoning Regulations does not specify what uses are permitted on land designated as 'Municipal. Revenue from the sale of this land was included in the FY 11/12 budget and the City now has a buyer for the land. The proposed amendment will ensure that the land can be developed once it is sold to a private developer. Mr. Urice made a motion to give this a positive recommendation. Mr. Cerminara seconded the motion and it was passed unanimously.

Chairman Finaldi noted that there was nothing under Other Matters or New Business and four applications for Floodplain Permits listed under For Reference Only.

At 8:30 PM, Mr. Urice made a motion to adjourn. The motion was seconded by Mr. Cerminara and passed unanimously.